

# OCR Issues Guidance on Civil Rights Protections Prohibiting Race, Color, and National Origin Discrimination During COVID-19



Yesterday, the Office for Civil Rights (OCR) at the U.S. Department of Health and Human Services (HHS) is issuing guidance to ensure that recipients of federal financial assistance understand that they must comply with applicable federal civil rights laws and regulations that prohibit discrimination on the basis of race, color, and national origin in HHS-funded programs during COVID-19. This Bulletin focuses on recipients' compliance with Title VI of the Civil Rights Act of 1964 (Title VI).

To help ensure Title VI compliance during the COVID-19 public health emergency, recipients of federal financial assistance, including state and local agencies, hospitals, and other health care providers, should:

- Adopt policies to prevent and address harassment or other unlawful discrimination on the basis of race, color, or national origin.
- Ensure – when site selection is determined by a recipient of federal financial assistance from HHS – that Community-Based Testing Sites & Alternate Care Sites are accessible to racial and ethnic minority populations.
- Confirm that existing policies and procedures with respect to COVID-19 related services (including testing) do not exclude or otherwise deny persons on the basis of race, color, or national origin.
- Ensure that individuals from racial and ethnic minority groups are not subjected to excessive wait times, rejected for hospital admissions, or denied access to intensive care units compared to similarly situated non-minority individuals.
- Provide – if part of the program or services offered by the recipient – ambulance service, non-emergency medical transportation, and home health services to all neighborhoods within the recipient's service area, without regard to race, color, or national origin.
- Appoint or select individuals to participate as members of a planning or advisory body which is an integral part of the recipient's program, without exclusions on the basis of race, color, or national origin.
- Assign staff, including physicians, nurses, and volunteer caregivers, without regard to race, color, or national origin. Recipients should not honor a patient's request for a same-race physician, nurse, or volunteer caregiver.
- Assign beds and rooms, without regard to race, color, or national origin.
- Make available to patients, beneficiaries, and customers information on how the recipient does not discriminate on the basis of race, color, or national origin in accordance with applicable laws and regulations.

OCR is responsible for enforcing Title VI's prohibitions against race, color, and national origin discrimination. As part of the federal response to this public health emergency, OCR will continue to work in close coordination with our HHS partners and recipients to remove discriminatory barriers which impede equal access to quality health care, recognizing the high priority of COVID-19 testing and treatment.

Roger Severino, OCR Director, stated, "HHS is committed to helping populations hardest hit by COVID-19, including African-American, Native American, and Hispanic communities." Severino concluded, "This guidance reminds providers that unlawful racial discrimination in healthcare will not be tolerated, especially during a pandemic."

"Minorities have long experienced disparities related to the medical and social determinants of health – all of the things that contribute to your health and wellbeing. The COVID-19 pandemic has magnified those disparities, but it has also given us the opportunity to acknowledge their existence and impact, and deepen our resolve to address them," said Vice Admiral Jerome M. Adams, Surgeon General, MD, MPH. "This timely guidance reinforces that goal and I look forward to working across HHS and with our states and communities to ensure it is implemented."

To read the new OCR Bulletin, please visit: [Title VI Bulletin - PDF](#)

*Continued on Page 2...*

*OCR Issues Guidance continued...*

To learn more about non-discrimination on the basis of race, color, national origin, sex, age, and disability; conscience and religious freedom; and health information privacy laws, and to file a complaint with OCR, please visit: [www.hhs.gov/ocr](http://www.hhs.gov/ocr).

For more OCR announcements related to civil rights and COVID-19, please visit: <https://www.hhs.gov/civil-rights/providers/civil-rights-covid19/index.html>.

For Health Resources and Services Administration-funded testing sites (located in health centers), by state, please visit: <https://protect2.fireeye.com/url?k=f85274f8-a4065dd3-f85245c7-0cc47a6d17cc-359d8ed75779e4f2&u=https://bphc.hrsa.gov/emergency-response/expanding-capacity-coronavirus-testing-FY2020-awards>.

For HHS Public-Private Partnership testing sites (located in pharmacies and retail chains), by state, please visit: <https://www.hhs.gov/coronavirus/community-based-testing-sites/index.html>.

For general information regarding COVID-19, please visit: <https://protect2.fireeye.com/url?k=c1a938f3-9dfd11d8-c1a909cc-0cc47a6d17cc-ab24777395ad6a67&u=https://www.coronavirus.gov/>.